

# Rockport Conservation Commission Policy on Filing for Permits

## INTRODUCTION & DESCRIPTION:

This policy is to assist the decision making on whether to submit a Request for Determination of Applicability or a Notice of Intent.

As written in the Rockport Wetlands Protection By-Law: Rules & Regulations (Adopted May 6, 2009 and Revised February 29, 2012),

- *"A Request for Determination of Applicability (RFD) is used for projects where the applicant requests that the Commission determine if the Wetlands Protection Act/Rockport Wetlands Protection By-law is applicable to the area and/or the activity proposed. If the Commission issues a "negative" Determination of Applicability, a more detailed Notice of Intent is not required for the project. Submitting a RFD may be sufficient for a project that has no impact on a wetland. A RFD involves the applicant (or his/her representative) paying for the publication of a legal notice in the newspaper, paying a small fee to the town, and attending at least one public hearing."* NOTE: a RFD is the same as a RDA.
- *A Notice of Intent (NOI) is used for projects (septic system repairs, house construction, activities within wetlands, etc.) where the likelihood of impacting the **Wetland** exists. A NOI is more detailed than an RFD and involves the applicant paying fees to both the town and the state, paying for the publication of a legal notice in the newspaper, notifying abutters to the property, and may require attending more than one public hearing.*

Some projects may have no influence on the wetland resource area(s) associated with them and others may have considerable influence on them. For these reasons, the Commission provides a list of likely RDA-only projects. If you do not find your project in this list, and you are within 100' of a wetland resource area (or 200' from a river) you will be required to submit a NOI for the project. Please see our Conservation Agent for help in submitting the application(s).

## POLICY:

With the above in mind, when an applicant applies for a

**RDA (and requests a Negative Determination of Applicability), the project must:**

- 1) Limit the area of alteration to 10 percent of the buffer zone on the lot or 5,000 square feet (whichever is less);
- 2) Leave at least 50 feet undisturbed between the project and the resource area;
- 3) Conform to the DEP Stormwater Management Policy;
- 4) Take place where the buffer zone does not border on Outstanding Resource Waters (ORW) such as certified vernal pools, tributaries to public water supplies, or certain Areas of Critical Environmental Concern (ACECs);
- 5) Take place where the buffer zone does not contain Estimated Habitats of State-listed Rare Wetlands Wildlife;
- 6) Take place where erosion and sedimentation controls are provided at the edge of work.
- 7) The following projects may require a **RDA only** (not a NOI):
  - a. Replacing an existing fence that is 25' or closer to a wetland resource area;
  - b. Replacing an existing deck or other structure set on sono tube foundations that is 50' or farther from a wetland resource area;

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- c. Small projects where work, that is greater than 50' from a wetland resource area, and where siltation barriers will be placed between the work and the wetland (this does not include construction of a home or a septic system);
- d. Repairs or repaving of roadways and walkways 50' or more from a wetland;
- e. Replacing impervious surface(s) with pervious surface(s) or garden(s);
- f. Constructing within the upper 100' of a 200' Riverfront Area (i.e., 100-200' from river) this is assuming that the wetlands within the RA do not extend into the area of work;
- g. Removal of invasive species where a program has been designed for multi-year maintenance of the area;
- h. Maintenance repair of seawalls (pointing, grouting, minor filling of holes)
- i. Repair of underground utility lines at least 25' from wetland resource area(s);
- j. Soil test pits within 50' of a resource area;
- k. Relocating utility pole.

Please be advised that the Conservation Commission or its Agent may require the filing of a NOI for any of the above noted projects, if it is deemed likely to negatively impact a resource area.

## **NOI**

- 8) All other projects shall require a NOI (see our Conservation Agent for help in submitting the application(s)).
- 9) All septic system repairs/replacements shall require a NOI even when they have been approved by the Rockport Board of Health (BOH).
- 10) Where a septic system repair/replacement has been approved by the BOH, there is a presumption that the environment has been/will be protected by the new system. In these cases, the Commission may approve the construction based on advice from its Conservation Agent (i.e., this sort of application may be expedited by having the Agent confirm in the field the location and then reporting to the Commission at the meeting).

## **REASONING:**

**The above policy in regards to filing for permits is mainly to provide a more understandable list of projects which will require either a RDA or a NOI. The Rockport Conservation Commission stands ready to work with all home owners to best obtain our mutual goals.**

For further information, please contact:

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